

From: ROTH David R
To: Microsoft ATR
Date: 1/28/02 4:13pm
Subject: Microsoft Settlement

I have been following the most recent case against Microsoft with considerable interest. Whatever objections may have been raised about the objectivity of the original judge, his conclusions about Microsoft's anti-competitive conduct were based on such persuasive evidence that no one outside Redmond has bothered to question it.

He found that Microsoft's conduct was so consistently and pervasively corrupt in its anti-competitive conduct, that there was no hope of reform without the most dramatic intervention. I agree with him that the company should be broken up, so that the operating system and the applications are developed and sold by separate companies. Short of that, it is obvious that the only effective way for the Government to prevent renewal of the abuses would be to establish a very comprehensive set of guidelines and strictures, with oversight sufficient to enforce them in the rapid and far-flung operation of the business.

I recently signed the petition on this matter which has been circulated by Dan Kegel. I endorsed that petition because it does such a thorough job of identifying ways in which the proposed settlement misses the target. Please heed those warnings.

The defenders of Microsoft originally argued that the Government could not hope to understand and supervise such a dynamic technology. Then the Government prosecutors successfully demonstrated impressive mastery of the issues, sweeping the defense aside in one master stroke after another.

Wouldn't it be ironic if the new Administration threw away what the previous Administration had accomplished by formulating a settlement which was based on such a naive and simplistic approach to the problem. Now that Enron is hanging around the new Administration's neck, does it want to add a sweetheart deal with Microsoft?